

TOWN OF NEWSTEAD  
ZONING BOARD OF APPEALS  
MINUTES of August 27, 2001

Present: Corky Keppler  
Clark Killian  
Scott Chaffee  
Bill Walworth, Deputy Building Inspector  
Rebecca Baker, Recording Secretary

The public hearing to hear comments for or against the area variance request regarding the construction of a garage located at 13425 Bloomingdale was opened at 7:00pm.

Nathan Neill, Town Attorney, Louis Cerasani, Andy Kelkenberg and Lyman Muck were present

-Clerk read proof of publication

-Mr. Cerasani explained the garage will be used for his cars and bike storage. There were no previous comments received. Mr. Walworth questioned if the garage couldn't be moved back a few feet to lessen the variance, but the neighbors garage is already 5 inches on his property and moving the proposed garage back would infringe on the setback requirements between two buildings. Scott motioned to approve the variance request contingent on receiving in writing no objections from the neighbor. If the neighbor's permission is not received in two weeks (September 10, 2001), the issue will come before the Zoning Board again. Clark seconded the motion and all approved. The hearing was closed at 7:04pm.

The hearing to hear comments for or against the use variance requested by Joe Frey to house animals in his barn which does not meet the minimum setbacks set forth by the code was opened at 7:15pm.

-Clerk read proof of publication

-Mr. Frey explained this was his second time for this request. He felt he had been unprepared the first time and did not know what the real process was. He explained that the reason he built the barn at the current location knowing he could not house animals was that his builder was only available at that time and the variance process would take too long. He presented the board with signatures from his neighbors who are all in favor, and a letter from Peter Collin, Forester, commenting on the age and expected life of the trees that would have to be cut down in order to meet the setback requirement. Mr. Frey feels his hardship in this case is to have to cut down the hardwood trees. Lyman Muck spoke in favor of the variance. He would like the view of horses from his window. The drainage is good, and he doesn't feel any more trees should be cut down. Andy Kelkenberg also spoke in favor. He feels the code needs changing and there is no reason why on a 50 acre lot, you should not be allowed to house horses. As a builder, he builds many barns and does inform the owners that if the barn is closer than 150', they are not allowed to house animals. Yet, he also believes that as time passes, these same owners may change their minds and choose to house animals, or as their children grow and perhaps join 4-H groups, they may wish to raise an animal. He is committing himself to getting this particular code changed. Bill made the point that regardless of why he chose to build the barn there even after being told he could not house horses he chose to do so and created his own hardship. He pointed out that in order to grant a use variance, 4 criteria need to be met, which Mr. Frey did not. He feels Mr. Frey should wait until the code has been changed, which may take 60-90 days. He has already waited 2 years. Bill is also concerned that this may set a precedence, which the town may not want. Corky suggested granting a temporary variance until the code could be changed. Nathan Neill confirmed that that is an option. Clark motioned to approve a temporary use variance for one year (September 1, 2002) until the code is changed. If the code change is not approved, the variance will be revoked. Scott seconded the motion and all approved. The hearing was closed at 8:05pm.

Respectfully submitted,  
Rebecca Baker,  
Recording Secretary